

DELEGATION OF AUTHORITY

FROM: Attorney General
TO: Secretary of Commerce, Secretary of Labor, Director of Immigration Division
SUBJECT: Two-Year Extensions of Alien Entry Permits.

Pursuant to the Attorney General's authority under Article III, Section 11 of the NMI Constitution, 1 CMC §2151 et seq., as amended, I, the Attorney General, hereby delegate authority as follows:

A. The Secretary of Labor or his designee is hereby delegated authority to issue and revoke two-year extensions to foreign national workers, if the foreign national worker meets one or more of the following criteria:

1. holds a valid 240(K), 240(P), 240(L) or 240(M) permit;
2. is a party in a CNMI or federal administrative or judicial proceeding; or
3. is designated as a cooperating witness in a CNMI or federal enforcement action or investigation.¹

B. The Secretary of Commerce or his designee is hereby delegated authority to issue and revoke two-year extensions to:

1. a foreign student, if the foreign student holds a valid 240(H) student entry permit;
2. a long-term business person, if the long-term business person holds a valid 240(N) long-term business permit;
3. a retiree investor, if the retiree investor holds a valid 240(O) permit; or
4. a foreign investor, if the foreign investor holds a valid 240(G) permit.

¹ Notwithstanding any other provision of DOL regulations or administrative rulings, a foreign national shall be granted a two-year extension under this delegation of authority pursuant to the procedures set forth in Section XVII.E.1, XVII.E.2 or XVII.E.3 of the Alien Labor Rules and Regulations, as amended in June 2004; provided, further, if the foreign national is a *pro se* litigant in a case pending before a CNMI or federal court, an extension shall be granted upon submission of a certified docket from the court having jurisdiction thereof.

C. From the date of this Delegation's execution until November 27, 2009 at 11:59 p.m., at which time delegated authority will automatically revert back to the Attorney General, the Director of Immigration is hereby delegated authority to issue and revoke two-year permit extensions to an alien who is lawfully present in the CNMI and holds a valid:

1. 240(B) permit or is determined by Immigration to meet the criteria for such a permit;
2. 240(D) permit or is determined by Immigration to meet the criteria for such a permit;
3. 240(E) permit or is determined by Immigration to meet the criteria for such a permit;
4. 240(F) permit or is determined by Immigration to meet the criteria for such a permit; or
5. holds a permit not specified elsewhere herein.

Provided, further, from the date of this Delegation's execution until November 27, 2009 at 11:59 p.m., at which time delegated authority will automatically revert back to the Attorney General, the Director of Immigration is delegated authority to issue and revoke a two-year permit to any alien who has overstayed his/her legal immigration period on a case-by-case basis for humanitarian reasons including but not limited to the following:

1. duration of residency within the CNMI;
2. existence of U.S. citizen dependents; and
3. duration of out of status period.

Provided, further, any alien lawfully present within the CNMI who has been granted a two-year extension by the Department of Labor or Department of Commerce prior to the effective date of this Delegation of Authority shall be grandfathered in under the provisions set forth herein.

OFFICE OF THE ATTORNEY GENERAL

Edward T. Buckingham

Attorney General

Dated: November 17, 2009

Provided, further, nothing in this Delegation of Authority shall be construed as a waiver, abdication, delegation or limitation of the Attorney General's authority to revoke, in accordance with applicable CNMI laws and regulations, any extension granted under the provisions of this Delegation of Authority at any time during its duration.

Provided, further, the Attorney General shall retain the power to withdraw or modify, in writing, this Delegation of Authority in whole or in part.

Provided further, nothing in this Delegation of Authority shall be construed in any way to limit the statutory authority of the Secretary of Labor or the Secretary of Commerce.